

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	§	Filed: June 20, 2003
Cragun et al.	§	
	§	Group Art Unit: 2166
Serial No.: 10/600,317	§	
	§	Examiner: Shew F. Lin
Confirmation No.: 9777	§	

For: UNIVERSAL ANNOTATION CONFIGURATION AND DEPLOYMENT

MAIL STOP APPEAL BRIEF - PATENTS
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Dear Sir:

March 18, 2009	/Johnny Lam/
Date	Johnny Lam

**REVISED APPEAL BRIEF IN RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF DATED FEBRUARY 24, 2009**

Applicants submit this Substitute Appeal Brief to the Board of Patent Appeals and Interferences in response to the Notification of Non-Compliant Appeal Brief dated February 24, 2009 in the Appeal of the above-identified application.

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Real Party in Interest

The present application has been assigned to International Business Machines Corporation, Armonk, New York.

Related Appeals and Interferences

Applicant asserts that no other appeals or interferences are known to the Applicant, the Applicant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 7 and 9-15 are pending in the application. Claims 1-26 were originally presented in the application. Claims 1-6, 8, and 16-26 have been canceled without prejudice. Claims 7 and 9-15 stand finally rejected as discussed below. The final rejections of claims 7 and 9-15 are appealed. The pending claims are shown in the attached Claims Appendix.

Status of Amendments

All claim amendments have been entered by the Examiner, including amendments to the claims proposed after the final rejection.

Summary of Claimed Subject Matter

Claimed embodiments include methods (see claims 7 and 9-15) for data entry and retrieval and, more particularly, for annotating a variety of heterogeneous data objects manipulated by a variety of different applications.

A. CLAIM 7 – INDEPENDENT

Claim 7 is directed to a method for exchanging information between entities on a network. See, e.g., Application, Fig. 2, ¶ 41-43. As claimed, the method includes installing an annotation management system on the network. See *id.* Figs. 1 and 2; ¶ 36 and 41. The method also includes identifying a plurality of annotatable heterogeneous data objects, each manipulated by a corresponding one of a plurality of applications on the network. See *id.* Fig. 3A; ¶ 37 and 57-58. As claimed, each of the plurality of applications specifies an indexing mechanism for indexing data objects associated with a respective application. See *id.* ¶ 8-9, 15, 32-33, 38 and 61. Further, the indexing mechanism for each of the plurality of applications is different from one another. See *id.*

The method also includes providing a set of one or more configuration tools. See *id.* ¶ 53, 69, 70-71 and 82-84. As claimed, the one or more configuration tools are configured to allow a user to define an annotation structure containing one or more annotation fields for annotations created for a respective application. See *id.* Fig. 4D; ¶ 87-90. Further, one or more of the annotation fields are used to store metadata included in a given annotation. See *id.* ¶ 72-73. Further still, one or more of the annotation fields store metadata used to index an annotation according to the indexing mechanism associated with the respective application. See *id.* ¶ 77.

The one or more configuration tools are also configured to associate the annotation structure with at least one of the plurality of applications. See *id.* ¶ 87. Further, the one or more configuration tools are configured to allow a user to define roles configured to determine the type of information captured or viewed in an annotation created for a given data object of a given application. See *id.* Fig. 3A; ¶ 69. Further still, the one or more configuration tools are configured to associate annotation

structures defined by the user with combinations of roles and annotatable data objects.

See id.

Grounds of Rejection to be Reviewed on Appeal

1. Rejection of claims 7 and 9-15 under 35 U.S.C. § 102(e) as being anticipated by *Bays et al.*, U.S. Pat. No. 6,519,603 (hereinafter *Bays*).

ARGUMENTS

1. Bays does not anticipate claims 7 and 9-15.

The Applicable Law

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants' Response to the Examiner's Argument

In this case, *Bays* does not disclose "each and every element as set forth in the claim". For example, *Bays* does not disclose annotation fields that store metadata used to index an annotation according to the indexing mechanism associated with the respective application, as required by claim 7. In an Advisory Action dated October 27, 2008, the Examiner incorrectly states that this limitation is not recited in the claims:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "indexing mechanism" used to index annotations, metadata that is used by an indexing mechanism to index annotations) are not recited in the rejected claim(s).

....

Bays clearly teaches the claimed limitation . . . "the annotation fields store metadata used to index an annotation according to the indexing mechanism associated with the respective application" as the annotation structure includes selecting an annotatable data item

Advisory Action, page 2 (emphasis added). That is, while the Examiner states that the limitation is not recited in the claims, the Examiner curiously proceeds to argue that

Bays teaches the “claimed” limitation – a wholly contradictory position. On this basis alone, Applicants submit that the rejection is defective and should be withdrawn.

Furthermore, in a Final Office Action dated August 18, 2008, the Examiner argues that *Bays* discloses this limitation at col. 2, lines 29-37 and col.3, lines 48-58. Specifically, the Examiner states:

Bays discloses . . . wherein one or more of the annotation fields store metadata used to index an annotation according to the indexing mechanism associated with the respective application (the annotation is associated with the annotatable data item at the time of entry by including pointer information to the annotatable data item with the annotation.

Final Office Action, pages 5-6 (emphasis original) (citations omitted). Respectfully, this portion of *Bays*, and in fact the reference as a whole, discloses no such indexing mechanism. To illustrate, the cited portion of *Bays* is set forth below:

The annotations, together with the pointer information that relates them to the original database material, may be stored in a separate source so that the data model and operation of the sources containing the original database material is not affected. It is the pointer information that allows formulation of the queries to retrieve either annotations related to specific database material or database material related to specific annotations.

. . . .

For annotation entry, an annotatable data item is chosen (e.g. a 5th cell in column y of spreadsheet z) and an annotation is entered and stored. The annotation is associated with the annotatable data item at the time of entry by including pointer information to the annotatable data item with the annotation. Optionally, the annotation may be “propagated” or automatically associated with additional annotatable data items using extra information defined in the registration step. Once annotations have been stored, queries may be issued to retrieve both the annotation content and/or the database material.

Bays, col. 2, lines 29-37 and col. 3, lines 48-58. Specifically, the Examiner appears to analogize *storing pointer information relating annotations to objects being annotated of Bays* with an *indexing mechanism*. Respectfully, whether pointer information is used or not, associating annotations with objects being annotated is not the same as indexing

annotations with an indexing mechanism. Associating an annotation with the object being annotated merely allows one to know what is being annotated by the annotation. *Bays* simply does not disclose any *indexing mechanism* used to index annotations. Therefore, *Bays* fails to disclose annotation fields that *store metadata used to index an annotation according to the indexing mechanism associated with the respective application*. On this basis alone, Applicants submit that the rejection is defective and should be withdrawn.

Even more significant is the fact that *Bays* discloses nothing regarding annotation fields that store metadata used to index an annotation according to the indexing mechanism, as required by claim 7. Referring to the language quoted above, the Examiner seems to suggest that “pointer information [relating annotations to the object being annotated]” teaches this limitation. Respectfully, “pointer information [relating annotations to the object being annotated]” does not teach “annotation fields that store metadata used to index an annotation.” The pointer information in *Bays* is nothing more than what associates an annotation and an object being annotated. In contrast, Applicants disclose *annotation fields that store metadata (additional information about the respective annotation) that is then used by an indexing mechanism to index annotations*. *Bays* discloses nothing of the sort. Therefore, *Bays* fails to disclose *annotation fields that store metadata used to index an annotation according to the indexing mechanism*. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In the Advisory Action, however, the Examiner continues to argue that *Bays* discloses annotation fields that store metadata used to index an annotation according to the indexing mechanism. Specifically, the Examiner states:

Bays clearly teaches the claimed limitation . . . “the annotation fields store metadata used to index an annotation according to the indexing mechanism associated with the respective application” as the annotation structure includes selecting an annotatable data item to be annotated by selecting an attribute of an entity, where the entity is referenced by any one or more of: an index (col. 12, lines 46-49).

Advisory Action, page 2. Once again, the cited portion of *Bays* does not disclose the above limitation. To illustrate, the cited portion of *Bays* is set forth below:

[W]herein organizing the annotation structure includes selecting an annotatable data item to be annotated by selecting an attribute of an entity, where the entity is referenced by any one or more of: an index, a schema object, or a set of the attribute or schema object.

Bays, col. 12, lines 46-49 (emphasis added). In other words, the Examiner appears to analogize the *entity* of *Bays* with an *annotation*. However, *Bays* describes an entity as follows:

An annotatable data item (i.e. the subsection of database material that can be annotated) is any entity referenced by an index (e.g. by an object identifier) or any attribute or subcomponent of such an entity, or any arbitrary set of such items. Examples include a table such as a relational table or spreadsheet, a view such as a relational view, a row within a table, a cell within a table (i.e. the intersection of a column and a row), a column within a table, an object, an attribute of an object, a set of rows or columns from one table, or a set of rows from different tables.

Bays, col. 2, lines 16-25 (emphasis added). Put another way, in *Bays*, an “entity” is merely synonymous with an “annotatable data item.” Significantly, an annotatable data item and an annotation are not the same things. See, e.g., *Bays*, col. 2, lines 27-28 (“Multiple annotations may be entered for a single annotatable data item.”). Therefore, *Bays* fails to disclose *annotation fields that store metadata used to index an annotation according to the indexing mechanism*. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Still more significant is the fact that *Bays* discloses nothing regarding annotation fields that store metadata used to index an annotation according to an indexing mechanism for indexing data objects associated with a respective application, wherein the indexing mechanism for each of the plurality of applications is different from one another, as required by claim 7. In other words, *Bays* discloses nothing regarding annotation fields that store metadata used to index an annotation according to an

application-specific indexing mechanism. Referring once again to quoted language above (the language quoted from *Bays*, col. 2, lines 29-37 and col. 3, lines 48-58), while the Examiner identifies various aspects of *Bays*, nowhere does the Examiner suggest that *Bays* teaches indexing annotations according to an *application-specific* indexing mechanism. See, e.g., Final Office Action, page 6. Therefore, *Bays* fails to disclose annotation fields that store metadata used to index an annotation according to an indexing mechanism *for indexing data objects associated with a respective application, wherein the indexing mechanism for each of the plurality of applications is different from one another*. Accordingly, Applicants respectfully submit that the rejection is defective and should be withdrawn.

In the Advisory Action, however, the Examiner continues to argue that *Bays* discloses annotation fields that store metadata used to index an annotation according to an indexing mechanism for indexing data objects associated with a respective application, wherein the indexing mechanism for each of the plurality of applications is different from one another. Specifically, the Examiner states:

Bays clearly teaches the claimed limitation . . . “each of the plurality of applications specifies an indexing mechanism for indexing data objects associated with a respective application, and wherein the indexing mechanism for each of the plurality of applications is different from one another” as an annotatable data item (i.e. data objects) can be a table, a view, a row, a cell, a column or any entity referenced by an index (e.g., by an object identifier), or any attribute or subcomponent of such an entity, or any arbitrary set of such items (col. 8, lines 4-8)

Advisory Action, page 2. Once again, the portion quoted from *Bays* does not disclose the above limitation. To illustrate, the cited portion of *Bays* is set forth below:

An annotatable data item can be a table, a view, a row, a cell, a column, or any entity referenced by an index (e.g., by an object identifier), or any attribute or subcomponent of such an entity, or any arbitrary set of such items.

Bays, col. 8, lines 4-8. Again, nowhere does the cited portion describe *a plurality of applications, wherein the indexing mechanism for each of the plurality of applications is different from one another*. Therefore, *Bays* fails to disclose annotation fields that store metadata used to index an annotation according to an indexing mechanism *for indexing data objects associated with a respective application, wherein the indexing mechanism for each of the plurality of applications is different from one another*. Accordingly, Applicants respectfully submit that the rejection is defective and should be withdrawn.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

CONCLUSION

The Examiner errs in finding that claims 7 and 9-15 are anticipated by *Bays* under 35 U.S.C. § 102(e).

Withdrawal of the rejection and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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CLAIMS APPENDIX

1-6. (Canceled)

7. (Previously Presented) A method for exchanging information between entities on a network comprising:

- installing an annotation management system on the network;

- identifying a plurality of annotatable heterogeneous data objects, each manipulated by a corresponding one of a plurality of applications on the network, wherein each of the plurality of applications specifies an indexing mechanism for indexing data objects associated with a respective application, and wherein the indexing mechanism for each of the plurality of applications is different from one another; and

- providing a set of one or more configuration tools configured to:

- allow a user to define an annotation structure containing one or more annotation fields for annotations created for a respective application, and wherein one or more of the annotation fields are used to store metadata included in a given annotation and wherein one or more of the annotation fields store metadata used to index an annotation according to the indexing mechanism associated with the respective application;

- associate the annotation structure with at least one of the plurality of applications;

- allow a user to define roles configured to determine the type of information captured or viewed in an annotation created for a given data object of a given application; and

- associate annotation structures defined by the user with combinations of roles and annotatable data objects.

8. (Canceled)

9. (Previously Presented) The method of claim 7, wherein the configuration tools provide one or more graphical user interface screens for associating one or more roles with a user.
10. (Previously Presented) The method of claim 7, wherein the configuration tools provide one or more graphical user interface screens for associating one or more users with a role.
11. (Original) The method of claim 7, wherein the configuration tools allow a user to specify one or more filters specifying how annotation fields contained in an annotation structure can be manipulated based on user roles.
12. (Previously Presented) The method of claim 7, wherein the configuration tools:
allow a user to specify one or more annotation field groups; and
allow annotation field groups to be added to annotation structures.
13. (Original) The method of claim 7, wherein the configuration tools allow a user to associate one or more transforms with an annotation structure, the transforms for use in converting the annotation structure into a graphical user interface.
14. (Previously Presented) The method of claim 7, wherein the configuration tools allow a user to associate an annotation structure with annotatable data objects associated with more than one heterogeneous data source.
15. (Original) The method of claim 7, wherein the configuration tools allows annotatable sub-objects of data objects to be associated with annotation structures.
- 16-26. (Canceled)

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.